

## **REMARKS**

### **Pending Claims:**

Claims 47-73 are currently pending in the present application. The Applicants respectfully request reconsideration of the pending claims in light of the terminal disclaimers and arguments presented in this Response.

### **Double Patenting Rejections**

Claims 47-58 and 68-73 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 6-9, 20-22 and 26-28 of U.S. Patent No. 6,806,651, which is assigned to the assignee of the present application. The Office Action states that although the conflicting claims are not identical, they are not patentably distinct from each other.

The Applicant is submitting herewith a Terminal Disclaimer to obviate the double patenting rejection of claims 47-58 and 68-73 in compliance with 37 C.F.R. 1.321 as suggested by the Examiner in the Office Action. The Terminal Disclaimer was signed by the President of Zond, Inc., who is also the sole inventor of the present application. The Applicant is also submitting a Statement Under 37 CFR 3.73(b) which states that Zond, Inc. is the assignee of the entire right, title, and interest of U.S. Patent No. 6,806,651. An Assignment assigning the entire right, title, and interest in the present application to Zond, Inc. was recorded at Reel 013677, Frame 0714. A fee transmittal authorizing the U.S. Patent Office to charge the \$65.00 for a Statutory Disclaimer as set forth in 37 CFR § 1.20(d) is enclosed.

Claims 59-67 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 8-9, and 12-14 of U.S. Patent No. 6,806,652, which is assigned to the assignee of the present application. The Office Action states that although the conflicting claims are not identical, they are not patentably distinct from each other.

The Applicant is submitting herewith a Terminal Disclaimer to obviate the double patenting rejection in compliance with 37 C.F.R. 1.321 as suggested by the Examiner in the Office Action. The Terminal Disclaimer was signed by the President of Zond, Inc., who is also the sole inventor of the present application. The Applicant is also submitting a Statement Under 37 CFR 3.73(b) that states that Zond, Inc. is the assignee of the entire right, title, and interest of U.S. Patent No. 6,806,652. An Assignment assigning the entire right, title, and interest in the present application to Zond, Inc. was recorded at Reel 013677, Frame 0714. A fee transmittal authorizing the U.S. Patent Office to charge the \$65.00 for a Statutory Disclaimer as set forth in 37 CFR § 1.20(d) is enclosed.

### **CONCLUSION**

Claims 47-73 are currently pending in the present application. Terminal Disclaimers to obviate the double patenting rejection in compliance with 37 C.F.R. 1.321 were filed for U.S. Patent Nos. 6,806,651 and 6,806,652. The Applicant's Attorney welcomes the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance. Applicants believe that no fees are due with the submission of the present Response.

Respectfully submitted,

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/Kurt Rauschenbach/

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